

(b) Description of any equipment proposed to be used if it does not appear on the Commission's current Radio Equipment List, Equipment Acceptable for Licensing, and designated for use under this part.

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§ 90.131 Amendment or dismissal of applications.

This rule governs all applications relating to radio services in this part, including applications filed by entities meeting the requirements of § 20.9(c) of this chapter, except applications concerning facilities used to provide commercial mobile radio services, which are governed by § 90.161.

(a) Any application, except for mutually exclusive applications or those against which a petition to deny has been filed, may be amended as a matter of right at any time prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner as required for the original application. The procedures for amending applications mutually exclusive under this part, applications against which a petition to deny has been filed, and applications designated for hearing are set forth in § 1.918.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

[43 FR 54791, Nov. 22, 1978, as amended at 59 FR 59958, Nov. 21, 1994]

§ 90.135 Modification of license.

(a) The following changes in authorized stations require an application for modification of license:

- (1) Change in frequency.
- (2) Change in the type of emission, except under the conditions specified in paragraph (b)(5) of this section.
- (3) Change in power from that authorized.
- (4) Change in antenna height from that authorized.
- (5) Change in the authorized location or number of base stations, fixed, control or, for systems operating on non-exclusive assignments in the 470–512

MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile operations from that authorized.

(6) Change in the class of a land station, including changing from multiple licensed to cooperative use, and from shared to unshared use.

(7) Any change in ownership, control, or corporate structure.

(b) The following changes in authorized stations do not require an application for modification of license.

(1) Change in mailing address of licensee.

(2) Change of name only of licensee, without changes in ownership, control, or corporate structure.

(3) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of § 90.119(a)(2)(ii).

(4) Change in the number of mobile units operated by Radiolocation Service licensees.

(5) Change in the type of emission when:

(i) Operation is in the 150–174 MHz or 421–512 MHz bands; and

(ii) The modification will be for a narrower emission than specified in the current authorization.

(6) Any other changes not listed in paragraph (a) of this section.

(c) Unless specifically exempted in § 90.175, requests for modifications listed in paragraph (a) of this section must be submitted on Form 600 to the applicable frequency coordinator.

(d) In case of a change listed in paragraphs (b)(1), (b)(2), or (b)(5) of this section, the licensee must notify the Commission immediately. Notification may be by Form 405-A or by letter. The letter must contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The completed and signed Form 405-A or the letter must be sent to: Federal Communication Commission, Gettysburg, PA 17326. Licensees whose licenses are due for renewal and who have received the renewal Form 574-R in the mail from the Commission must

use the appropriate boxes on that form to notify the Commission of a change listed in paragraphs (b)(1), (b)(2), or (b)(5) of this section.

(e) In the case of a change listed in paragraphs (b)(3), (b)(4), and (b)(6) of this section, the licensee must notify the Commission within 30 days of the change. The notice may be filed on FCC Form 574 or may be contained in a letter specifying the nature of the change, the name and address of the licensee as appearing on Commission records, and the call sign, class, and radio service of the station. The notice must be sent to: Federal Communications Commission, Gettysburg, PA 17326.

(f) Any change that requires a fee as set forth at part 1, subpart G of this chapter must be filed in accordance with § 1.912 (b) or § 1.912 (b)(2) of the rules.

[51 FR 14997, Apr. 22, 1986, as amended at 51 FR 36014, Oct. 8, 1986; 52 FR 10232, Mar. 31, 1987; 54 FR 38680, Sept. 20, 1989; 57 FR 48739, Oct. 28, 1992; 59 FR 59958, Nov. 21, 1994; 62 FR 2038, Jan. 15, 1997]

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed in accordance with the following:

(1) When one or more individual transmitters are to be operated by a licensee as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations.

(2) The application must specify the general geographic area within which the operation will be confined. The area may be specified as a city, a county or counties, a state or states or other definable geographic area such as a specified radius around a particular city or known geographic site.

(3) Applications for operation at temporary locations exceeding 180 days must be accompanied by evidence of frequency coordination, except that applications for operation at temporary locations exceeding 180 days by applicants using 220–222 MHz spectrum for geophysical telemetry operations need

not be accompanied by evidence of frequency coordination.

(b) When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.

[43 FR 54791, Nov. 22, 1978, as amended at 45 FR 63862, Sept. 26, 1980; 51 FR 14997, Apr. 22, 1986; 58 FR 44956, Aug. 25, 1993; 62 FR 15992, Apr. 3, 1997]

§ 90.138 Applications for itinerant frequencies.

An application for authority to conduct an itinerant operation in the Industrial/Business Pool must be restricted to use of itinerant frequencies or other frequencies not designated for permanent use and need not be accompanied by evidence of frequency coordination. Users should be aware, however, that no protection is provided from interference from other itinerant operations.

[62 FR 18924, Apr. 17, 1997]

§ 90.139 Commission processing of applications.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is for administrative convenience and does not indicate the acceptance of the application for filing and processing.

(b) Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed defective and may be dismissed. In addition, if an applicant is requested to file any additional documents or information not included in the prescribed application form, failure to comply with such request will render the application defective and it may be dismissed. Applications will also be deemed to be defective and be dismissed in the following cases:

- (1) Statutory disqualification of applicant;
- (2) Proposed use or purpose of station would be unlawful;